

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ABN AMRO BANK, N.V. (presently known as
NATWEST MARKETS, N.V.),

Defendant.

Adv. Pro. No. 10-05354 (CGM)

Adv. Pro. No. 11-02760 (CGM)

STIPULATION AND ORDER FOR CONSOLIDATION

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the estate of Bernard L. Madoff, individually, and defendant ABN AMRO Bank N.V. (presently known as NatWest Markets N.V.) (“Defendant” and collectively, with the Trustee, the “Parties”), by and through their respective, undersigned

counsel, hereby stipulate and agree in this Stipulation and [Proposed] Order for Consolidation (the “Stipulation and Order”) as follows:

WHEREAS, on December 8, 2010, the Trustee commenced Adversary Proceeding No. 10-05354 (CGM) in this Court by complaint. *Picard v. ABN AMRO Bank N.V. (presently known as The Royal Bank of Scotland, N.V.)*, Adv. Pro. 10-05354 (CGM), ECF No. 1 (the “ABN AMRO Tremont Action”).

WHEREAS, on October 6, 2011, the Trustee commenced Adversary Proceeding No. 11-02760 (CGM) in this Court by complaint. *Picard v. ABN AMRO Bank N.V. (presently known as The Royal Bank of Scotland, N.V.)*, Adv. Pro. 11-02760 (CGM), ECF No. 1 (the “ABN AMRO Harley Action,” and together with the ABN AMRO Tremont Action, the “ABN AMRO Tremont and Harley Actions”).

WHEREAS, on February 22, 2022, the Trustee provided counsel for Defendant with a Proposed Consolidated Second Amended Complaint (the “Consolidated Amended Complaint”) in the ABN AMRO Tremont and Harley Actions.

WHEREAS, on March 2, 2022, the Court “So Ordered” an Amended Stipulation and Order (the “Amended Stipulation and Order”) submitted by the Parties that set forth, among other things: (1) Defendant’s agreement to inform the Trustee on or before March 8, 2022, whether Defendant consents to the Trustee filing the Consolidated Amended Complaint; (2) that, if Defendant consented to the Trustee filing the Consolidated Amended Complaint, the Trustee would file the same on or before March 22, 2022; and (3) a briefing schedule for Defendant’s motion to dismiss in the event that it consented to the Trustee filing the Consolidated Amended Complaint. ABN AMRO Tremont Action, ECF No. 219; ABN AMRO Harley Action, ECF No. 110.

WHEREAS, on March 7, 2022, counsel for Defendant informed the Trustee that Defendant consented to the Trustee filing the Consolidated Amended Complaint.

WHEREAS, pursuant to the Amended Stipulation and Order, on March 22, 2022, the Trustee filed the Consolidated Amended Complaint in the ABN AMRO Tremont and Harley Actions. ABN AMRO Tremont Action, ECF No. 220; ABN AMRO Harley Action, ECF No. 111.

WHEREAS, consolidation of the ABN AMRO Tremont and Harley Actions is appropriate and will promote judicial economy and efficiency because they involve the same parties, substantial factual overlap, claims and requests for relief that arise from the same provisions of the Bankruptcy Code and Securities Investors Protection Act, and common issues of law and fact.

IT IS HEREBY STIPULATED AND AGREED that:

1. The ABN AMRO Tremont Action and the ABN AMRO Harley Action be, and hereby are, consolidated under Adversary Proceeding No. 10-05354 (CGM) (the “Consolidated Action”), pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.
2. The Consolidated Action shall proceed under Adversary Proceeding No. 10-05354 (CGM). Every pleading filed in the Consolidated Action, must bear the caption attached as Exhibit A.
3. All papers filed in connection with the Consolidated Action will be maintained in one file under Lead Adversary Proceeding No. 10-05354 (CGM).
4. The Parties reserve all rights, arguments, objections and defenses they may have, and entry into this Stipulation and Order shall not impair or otherwise affect any such rights, arguments, objections, and defenses, including without limitation, challenges to personal jurisdiction. The Parties also reserve all arguments, objections, and defenses to the original

actions as they existed prior to consolidation, including, but not limited to, any challenges to timeliness or on statutes of limitations grounds.

5. This Stipulation and Order may be executed in counterparts and original signatures are not required as copies or facsimile of executed counterparts of this Stipulation and Order are deemed as original and binding.

Dated: April 19, 2022
New York, New York

BAKER & HOSTETLER LLP

**REICHMAN JORGENSEN LEHMAN &
FELDBERG LLP**

By: /s/ Patrick T. Campbell
45 Rockefeller Plaza
New York, New York 10111
T: 212.589.4200
F: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Patrick T. Campbell
Email: pcampbell@bakerlaw.com

By: /s/ Michael Feldberg
750 Third Avenue, Suite 2400
New York, New York 10017
T: 212.381.4970
Michael Feldberg
Email: feldberg@reichmanjorgensen.com

*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Liquidation of Bernard L.
Madoff Investment Securities LLC and the
Chapter 7 Estate of Bernard L. Madoff*

*Attorneys for Defendant ABN AMRO Bank N.V.
(presently known as NatWest Markets N.V.)*

SO ORDERED.

**Dated: April 20, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**